IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 23626 of 2004

Between:

Kum.Shaik Shameem D/o.Muthujavali
D.No.5-85, Alur Road, Nandikotkur Town,
Kurnool Dist.

..... PETITIONER

AND

1 The Revenue Divisional Officer,
Kurnool District.
2 The Mandal Revenue Officer,
Nandikotkur Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, preferable to the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the oral instructions to Mr.Ramudu adjacent Fair Price shop dealer who is the associate of said MLA. to distribute the commodities of petitioner's Fair Price shop No.16 of Nandikotkur Town, Kurnool dist ignoring the petitioner who is a permanent dealer of Shop No.16 and who's license and authorization is subsisting only yielding to the political pressures as illegal, arbitrary, and violation of Article, 14,19,21 of constitution of India and consequently direct the respondents to allow the petitioner to distribute the commodities for the said shop.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY
Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner was appointed as a Fair Price Shop Dealer, vide proceedings dated 26.03.2002, passed by the first respondent. It is her case that there are no complaints against her about running of the shop and that the authorization is still subsisting. She complains that the second respondent, Mandal Revenue Officer, Nandikotkur Mandal, has entrusted the dealer of neighbouring shop, to distribute the commodities in the area, for which the petitioner is the Fair Price Shop Dealer. She alleges that the same was resorted to under the pressure of the local M.L.A.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The allegations of the petitioner, if true, present a sad reflection of the functioning of the Civil Supplies Department. The State Government has framed Control Orders, from time to time, in exercise of powers under the Essential Commodities Act, 1955 for the distribution of essential commodities. Once a dealer is appointed for a particular fair price shop, he is entitled to undertake the distribution of the commodities, in accordance with the relevant terms and conditions. Permitting another dealer or agency to undertake the distribution of commodities in an area entrusted to an existing distributor is unknown to law, and if at all anything, represents lawlessness. Since the complete facts are not before this Court, it is difficult to record any definite finding, in this regard. This much can be said that the practice said to have been resorted to by the second respondent, if true, cannot be permitted.

Hence, the writ petition is disposed of directing that the respondents shall ensure the distribution of essential commodities, for which the petitioner was appointed as a fair price shop dealer, is undertaken by the petitioner herself and not by any other agency, during the subsistence of such authorization.

There shall be no order as to costs.

20.12.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Revenue Divisional Officer,
Kurnool District.
2 The Mandal Revenue Officer,
Nandikotkur Mandal, Kurnool District.

3 Two CCs to the Government Pleader for Civil Supplies, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.